

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Robert Lee Bailey,

Civil No. 04-1397 (DWF/SRN)

Plaintiff,

v.

ORDER

Sgt. Andrew Schmidt, Minn. Police Dept.
1st Precinct, sued as Andrew R. Schmidt;
Officer Garmen, Minn. Police Dept. 4th
Precinct; E-R Team, led by Sgt. Young on
8/15/03, Minn. Police Dept. 4th Precinct;
Officer Blauert, Minn. Police Dept. 1st
Precinct; Unknown Officers who killed pet
at 2638 Colfax Ave. No. on 8/21/03; Sheriff
Patrick McGowan, Sheriff and Investigators
on complaint #03252419; and Unknown
Animal Control Officer who hit pet on 8/15/03
at 2638 Colfax Ave. No.,

Defendants.

Robert Lee Bailey, *Pro Se*, Plaintiff.

Michael J. Rugani, Esq., and C. Lynne Fundingsland, Esq., Minneapolis City Attorney's Office, and
Patricia R. Cangemi, Assistant United States Attorney's Office, counsel for Defendants Sgt. Andrew
Schmidt, Officer Garmen, E-R Team, led by Sgt. Young on 8/15/03, Officer Blauert, Unknown
Officers who killed pet at 2638 Colfax Ave. No. on 8/21/03; and Unknown Animal Control Officer
who hit pet on 8/15/03 at 2638 Colfax Ave. No.; and Toni A. Bietz, Esq., Hennepin County
Attorney's Office, counsel for Defendant Sheriff Patrick McGowan.

This matter is before the Court upon Plaintiff's appeal of Magistrate Judge Susan Richard Nelson's
order dated June 21, 2005, in which she denied the following motions of the Plaintiff:

- (1) Plaintiff's Motion to the Court for Requests of Orders and Subpoenas (Doc. No. 48);
- (2) Plaintiff's Motion to Amend the Pleadings and Add Parties (Doc. No. 52);
- (3) Plaintiff's motion to amend his civil complaint (Doc. No. 76); and
- (4) Plaintiff's supplemental motion for permission to amend his civil complaint (Doc. No. 93).

The Defendants oppose the Plaintiff's appeal.

The Court must modify or set aside any portion of the Magistrate Judge's order found to be clearly erroneous or contrary to law. *See* 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a); Local Rule 72.1(b)(2). This is an "extremely deferential standard." *Reko v. Creative Promotions, Inc.*, 70 F. Supp. 2d 1005, 1007 (D. Minn. 1999). "A finding is 'clearly erroneous' when, although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed." *Chakales v. Comm'r of Internal Revenue*, 79 F.3d 726, 728 (8th Cir. 1996) (quoting *United States v. United States Gypsum Co.*, 333 U.S. 364, 395 (1948)). The Court denies Plaintiff's appeal and affirms Magistrate Judge Nelson's order of June 21, 2005, in all respects.

The Court finds that Magistrate Judge Nelson's order is neither clearly erroneous nor contrary to law.

Accordingly, **IT IS HEREBY ORDERED THAT:**

1. Magistrate Judge Susan Richard Nelson's order of June 21, 2005 (Doc. No. 96) is **AFFIRMED.**

Dated: August 26, 2005

s/Donovan W. Frank

DONOVAN W. FRANK
Judge of United States District Court